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20
21 UNITED STATES BANKRUPTCY COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23
24 SAN JOSE DIVISION

25 LEEANNA DODSON MARTINEZ
26 Debtor.

Case No. 18-51883 MEH
Chapter 13

27 NAVISCENT, LLC,

A.P. No. 18-05058

28 Plaintiff
v.

**ORDER DENYING MOTION BY
DEFENDANT TO DISMISS ADVERSARY
PROCEEDING COMPLAINT**

29 MICHAEL OTTE,

Date: January 15, 2019
Time: 10:00 a.m.
Place: Courtroom 3020
30 280 South First Street
31 San Jose, California

The Motion by Defendant to Dismiss Adversary Proceeding Complaint (“Motion”) came on for hearing at the date, time and place set forth above. Robert G. Harris, Esq. of Binder & Malter, LLP appeared for plaintiff and creditor Naviscent, LLC (“Naviscent”). Nanette Dumas, Esq., appeared for Chapter 13 Trustee Devin Derham-Burk (the “Trustee”). Brent Meyer, Esq. of the Meyer Law Group appeared for Chapter 13 debtor Leeanna Martinez. Steven Sibley of DiNapoli & Sibley appeared for defendant Michael Otte. After consideration of the evidence, pleadings and arguments of counsel the Court, for the reasons stated on the record, hereby DENIES the Motion.

IT IS THEREFORE ORDERED that

1. Defendant's answer in this proceeding is due on February 14, 2019; and,
2. Santa Clara County Superior Court case number 18CV331509, *Naviscent, LLC v. Michael Otte*, is stayed pending further order of this Court or dismissal of the above-captioned adversary proceeding.

APPROVED AS TO FORM:

Dated: Jan. 17, 2019

DINAPOLI & SIBLEY

/s/ Steven J. Sibley

Steven Sibley

Attorneys for Defendant Michael Otte

***** END OF ORDER *****

COURT SERVICE LIST

All ECF Recipients.